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**MARTIN & FERRARO, LLP**  
1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632

Telephone  
(330) 877-0700

Facsimile  
(330) 877-2030

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**TO:**

**Name:** Mail Stop AMENDMENT  
Group Art Unit 3764/(Examiner M. Brown)

**Firm:** U.S. Patent & Trademark Office

**Fax No.:** 703-872-9306

**Subject:** U.S. Patent Application No. 10/685,776

Gary Karlin Michelson

Filed: October 15, 2003

METHOD FOR FORMING THROUGH A GUARD  
AN IMPLANTATION SPACE IN THE HUMAN  
SPINE

Attorney Docket No. 102.0001-13000

Customer No. 22882

Confirmation No.: 6323

**FROM:**

**Name:** Thomas H. Martin, Esq.

**Phone No.:** 330-877-2277

**No. of Pages (including this):** 7

**Date:** June 30, 2005

**Confirmation Copy to Follow:** NO

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**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; \$130 Terminal Disclaimer fee is to be charged to Deposit Account No. 50-1068), Reply to Office Communication, and Terminal Disclaimer are being facsimile transmitted to the U.S. Patent and Trademark Office on June 30, 2005.

  
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**JUN 30 2005**

Attorney Docket No.: 102.0001-13000  
Customer No. 22882

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Gary Karlin Michelson

Serial No: 10/685,776

Filed: October 15, 2003

For: **METHOD FOR FORMING THROUGH  
A GUARD AN IMPLANTATION  
SPACE IN THE HUMAN SPINE**

Confirmation No.: 6323

Art Unit: 3764

Examiner: (Michael Brown)

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Reply to Office Communication in the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*month extension of time to respond to the above office action.
- ☒ A Terminal Disclaimer is enclosed.
- ☒ The total amount of \$130.00 to cover the Terminal Disclaimer fee is to be charged to Deposit Account No. 50-1068.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1068. **A copy of this sheet is enclosed.**
  - ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
  - ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: June 30, 2005

By:   
Thomas H. Martin  
Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030

Transmittal of Reply DDC

PATENT  
Attorney Docket No. 102.0001-13000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary Karlin Michelson )  
Serial No.: 10/685,776 )  
Filed: October 15, 2003 )  
For: METHOD FOR FORMING THROUGH )  
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IN THE HUMAN SPINE )

Confirmation No.: 6323  
Group Art Unit: 3764  
Examiner: (Michael Brown)

Mail Stop AMENDMENT  
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Alexandria, VA 22313-1450

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Sir:

**REPLY TO OFFICE COMMUNICATION**

The Applicant's representative and the Examiner conducted an interview on June 10, 2005. Claims 1, 31, 67, and 103 were discussed in view of the Ma, Bagby, and Brantigan references. The Examiner indicated that the claims would be examined within a few weeks after the date of the interview.

Applicant is submitting concurrently with this Reply to Office Communication a Terminal Disclaimer of the terminal part of any patent granted in the present application which would extend beyond the expiration of U.S. Patent Nos. 5,741,253 and 6,224,595.

If there are any fees due in connection with the filing of this Amendment, please charge the fee to our Deposit Account 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: June 30, 2005

By: Thomas H. Martin  
Thomas H. Martin  
Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
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Facsimile: (330) 877-2030